



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

September 25, 2017

James Yowell  
Consultant for Shanghai Fortune Apparel Co., Ltd  
Spring Trading Company  
203 Dogwood Trail  
Magnolia, TX 77354

RE: Application for Registration dated March 6, 2017  
Product Name: Fortune Copper – Copper Oxide Powder  
EPA File Symbol: 92029-R

Dear Mr. Yowell:

Our records indicate that the decision review period for EPA to make a determination pursuant to section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), also known as the Pesticide Registration Improvement Act (PRIA), regarding the above referenced application ends on September 25, 2017. The Agency has reviewed the application.

The Agency, in meeting its obligation to make a determination within the PRIA decision review period, has determined that your application does not meet the standard for registration under FIFRA and, therefore, cannot be granted at this time because the particle size data was unacceptable. The data was not generated in compliance with the OPPTS 830.7520 Particle Size, Fiber Length, and Diameter Distribution Test Guideline protocol. On September 20, 2017, the Agency informed you that the application was inadequate and described the deficiencies to be addressed.

Although this concludes EPA's PRIA review of your application, this determination is not a denial of your application pursuant to section 3(c)(6) of FIFRA. Pursuant to 40 CFR § 152.105, you have 75 days to address the deficiencies or notify the Agency when the information will be submitted to address the deficiencies. You have the following four options.

**1. Resolve the issue(s).** You may resolve the issue(s) identified in this letter by submitting the information/data/studies by November 16, 2017 or an explanation of why it will take longer to correct the deficiency or deficiencies, including your written commitment and schedule to respond to the deficiencies. The Agency will then continue to diligently work with you in resolving the deficiencies without a PRIA decision due date. Absent unanticipated issues raised by your response to the issues in the deficiency letter, it is the Agency's expectation that resolution of the deficiencies will result in the granting of your application.

**2. Do nothing.** If you do not respond to this letter, the Agency will administratively withdraw your application on November 16, 2017. Once the application is withdrawn, if you decide to

pursue this action again, you will need to submit a new application, including either the appropriate fee or 25% or 50% of the fee and a request for a waiver of the remainder of the fee.

**3. Withdraw the application.** You may withdraw your application. Once the application is withdrawn, if you decide to pursue this action again, you will need to submit a new application, including either the appropriate fee or 25% or 50% of the fee and a request for a waiver of the remainder of the fee.

**4. Request a denial.** Because this determination is not a denial under section 3(c)(6) of FIFRA, you may request that EPA issue such a denial by responding to the Agency prior to November 16, 2017. The Agency may then initiate a denial process, based upon the record before the Agency as of the date of this letter, as described in section 3(c)(6) of FIFRA and 40 CFR § 152.118. The process includes publication of a notice of denial in the Federal Register and a possible public hearing.

If you have questions concerning or a response to this letter, please contact Jacqueline Hardy by telephone, (703) 308-6416, or by e-mail at [hard.jacqueline@epa.gov](mailto:hard.jacqueline@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Keigwin, Jr.", with a stylized flourish at the end.

Richard P. Keigwin, Jr.  
Director, Office of Pesticide Programs  
U.S. Environmental Protection Agency